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12 FACEBOOK, INC.

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN JOSE DIVISION
16

17 FACEBOOK, INC.,

18 Plaintiff,

19 v.

20 STUDIVZ LTD., HOTLZBRINCK
21 NETWORKS GmBH, HOLTZBRINCK
22 VENTURES GmBH, and DOES 1-25,

23 Defendants.

Case No. 5:08-cv-03468 JF

**FACEBOOK, INC.'S FIRST SET OF
SPECIAL INTERROGATORIES TO
DEFENDANT STUDIVZ LTD.
RELATING TO PERSONAL
JURISDICTION**

24 Pursuant to Federal Rule of Civil Procedure 33, Plaintiff Facebook, Inc. ("Facebook")
25 hereby propounds the following interrogatories to be answered, under oath, by an officer or agent
26 of Defendant StudiVZ Ltd., within 30 days after service of these interrogatories, or whatever date
27 is ordered by the Court, whichever is sooner, as required by Federal Rule of Civil Procedure 33.
28

DEFINITIONS

A. "ANY" shall be understood to include and encompass "ALL." As used herein, the singular shall always include the plural and the present tense shall also include the past tense. The words "AND" as well as "OR" shall be construed disjunctively or conjunctively as necessary to bring within the scope of this request all documents or things that might otherwise be construed to be outside its scope.

B. The terms "PERSON" and "PERSONS" mean both natural persons and legal entities, including without limitation, corporations, companies, firms, partnerships, joint ventures, proprietorships, associations, and governmental bodies or agencies. Unless noted otherwise, references to any person, entity or party herein include its, his, or her agents, attorneys, employees, employers, officers, directors, or others acting on or purporting to act on behalf of said person, entity, or party.

C. "EVIDENCE" or any variant thereof, including but not limited to "EVIDENCING," when used in connection with any document, shall be understood to apply if the document directly or indirectly mentions, discusses, constitutes, concerns, supports contradicts, relates to, refers to, or in any other way deals with the subject matter described in the request in which the term appears.

D. "REFER TO" or "RELATE TO" as used herein mean pertaining to, relevant to, material to, evidencing, affecting, comprising, discussing, dealing with, considering or otherwise concerning in any manner whatsoever the subject matter of the inquiry.

E. The term "DOCUMENT" means the original and each non-identical copy of ANY written, printed, typed, recorded, computerized, electronic, taped, graphic, or other matter, in whatever form, whether in final or draft, including but not limited to, ALL materials that constitute "writings" or "recordings" or "photographs" within the broadest meaning of the term "Writing" as defined in California Code of Evidence sections 250, 255, and 260, AND ALL materials that constitute "documents" within the broadest meaning of Rule 34 of the Federal Rules of Civil Procedure. DOCUMENT includes, without limitation, printed matter, electronic mail, materials stored on computer hard drives, diskettes, tapes, ANY other computer media,

1 recorded voice mail messages and ANY other information stored magnetically, optically or
2 electronically.

3 F. "COMMUNICATION" as used herein means any contact, oral or documentary,
4 formal or informal, at any place or under any circumstances whatsoever whereby information of
5 any nature is transmitted or transferred, including without limitation, any note, memorandum or
6 other record thereof, or a single person seeing or hearing any information by any means.

7 G. "STUDIVZ," "YOU," "YOUR," means defendant StudiVZ, Ltd. and its directors,
8 officers, parents, subsidiaries, predecessors, successors, assigns, agents, servants, employees,
9 investigators, attorneys, AND ALL other persons and entities representing it acting on its behalf,
10 OR purporting to act on its behalf, including without limitation, Ehasan Dariani and Dennis
11 Bemmann.

12 H. "FACEBOOK" means, without limitation, Facebook, Inc. (formerly
13 TheFacebook, Inc.), its past and present parents, subsidiaries, affiliates, predecessors, divisions,
14 officers, directors, trustees, employees, staff members, agents, counsel, representatives,
15 consultants, AND ALL PERSONS acting or purporting to act on its behalf.

16 I. "USERS OF STUDIVZ" means, without limitation, PERSONS registered to use
17 the services provided by STUDIVZ, including without limitation, those provided at the
18 www.studivz.net website, the www.meinvz.net website, the www.studiqq.fr website,
19 www.studiln.it website, the www.estudiln.net website, the www.studentix.pl website and the
20 www.schuelervz.net website.

21 J. "USERS OF FACEBOOK" means, without limitation, PERSONS registered to
22 use the services provided by FACEBOOK at www.facebook.com and, previously,
23 www.thefacebook.com.

24 INSTRUCTIONS

25 1. If YOU object to any of the interrogatories herein on a privilege ground, state the
26 privilege claimed and describe the facts giving rise to the privilege claim in sufficient detail so
27 that the Court can adjudicate the validity of the claim.
28

1 2. “IDENTIFY,” when used with respect to a natural person, means state the name,
2 current telephone number and current home or business address of the person(s). If current
3 information is not available, please provide the last available information regarding the person(s).

4 3. “IDENTIFY,” and all variants including “IDENTITY” when used with respect to
5 any entity, means state the name, place and date of incorporation or organization, principal place
6 of business, and the identity of all natural persons having knowledge of the matter with respect to
7 which it is named in an answer to an interrogatory.

8 4. To “IDENTIFY” a document means:

9 a. to refer to the document’s identification or exhibit number if the document
10 has been previously produced or used in discovery or to attach a true copy of the document to the
11 interrogatory answers and to state the document’s title and date, or if unknown, the approximate
12 date of creation;

13 b. to identify each person who signed or participated in the preparation of the
14 document;

15 c. to identify each person who is an addressee, including each person to
16 whom a copy was to be sent or who received a copy of the document;

17 d. to summarize the subject matter of the document;

18 e. to provide the present location of the document and the identity of the
19 custodian of the original and each copy thereof; and

20 f. if the document no longer exists, to give the date on which it was
21 destroyed, the identity of the person who destroyed it, and the person under whose authority it
22 was destroyed.

23 5. “IDENTIFY” a circumstance, occurrence or event, means to describe it in detail,
24 including date, time, surrounding circumstances, PERSONS involved OR present, reasons,
25 effects, results, where AND how it occurred, AND what occurred.

26 6. In answering the following interrogatories, YOU are required to provide ALL
27 information that is available to YOU within YOUR control, including information in the
28 possession of YOUR attorneys, investigators, employees, agents, representatives, and guardians

1 or any other person acting on YOUR behalf, and not merely information from YOUR own
2 personal knowledge.

3 7. If YOU cannot answer any interrogatory in full, answer to the extent YOU are able
4 to do so, state the reason for YOUR inability to answer further, and state the knowledge or
5 information available to YOU concerning the unanswered portion.

6 8. If YOU object to any of the interrogatories, YOU must state the grounds for any
7 objection(s). If YOU object to only part of an interrogatory, YOU must state the objection and
8 the grounds for any objection(s) and respond to the remainder of the interrogatory.

9 9. Each answer should be preceded by a reiteration of the full interrogatory to which
10 it responds.

11 10. For each interrogatory, IDENTIFY ALL persons who provided information or
12 otherwise assisted in preparing YOUR response.

13 **INTERROGATORIES**

14 **INTERROGATORY NO. 1:**

15 Describe in detail AND IDENTIFY ALL contacts AND COMMUNICATIONS YOU
16 have had with PERSONS (including without limitation, USERS OF STUDIVZ AND USERS OF
17 FACEBOOK) currently OR formerly residing OR domiciled in California. In doing so,
18 IDENTIFY the PERSONS contacted, the location AND time where any such contact OR event
19 occurred, AND the subject matter of the contact OR COMMUNICATION.

20 **INTERROGATORY NO. 2:**

21 Describe in detail AND IDENTIFY ALL contacts AND COMMUNICATIONS YOU
22 have had with businesses (including without limitation, Internet search engines providers such as
23 Google Inc. AND Yahoo! Inc., server providers, advertising agencies, advertisers, Internet service
24 providers, computer equipment providers, YOUR licensors AND licensees) currently OR
25 formerly located, licensed, based, OR incorporated in California. In doing so, IDENTIFY the
26 PERSONS contacted, the location AND time where any such contact OR event occurred, AND
27 the subject matter of the contact OR COMMUNICATION.

1 **INTERROGATORY NO. 3:**

2 Describe in detail AND IDENTIFY ALL contacts AND COMMUNICATIONS YOU
3 have had with universities AND colleges located in California, including without limitation,
4 letters, emails, advertising materials, business solicitations, business contacts, telephonic
5 conversations, facsimile transmissions. In doing so, IDENTIFY the PERSONS contacted, the
6 location AND time where any such contact OR event occurred, AND the subject matter of the
7 contact OR COMMUNICATION.

8 **INTERROGATORY NO. 4:**

9 Describe in detail AND IDENTIFY ALL of YOUR trips to California. In doing so,
10 IDENTIFY the PERSONS contacted, the location AND time where any such contact OR event
11 occurred, AND the subject matter of the contact OR COMMUNICATION.

12 **INTERROGATORY NO. 5:**

13 IDENTIFY, on a monthly basis, how many USERS OF STUDIVZ have been registered at
14 the www.studivz.net website, the www.meinvz.net website, the www.studiqq.fr website,
15 www.studiln.it website, the www.estudiln.net website, the www.studentix.pl website AND the
16 www.schuelervz.net website since October 2005, AND how many of those USERS OF
17 STUDIVZ are residents of, OR PERSONS domiciled in, California.

18 **INTERROGATORY NO. 6:**

19 IDENTIFY the number AND amount of accounts receivable owed YOU by PERSONS
20 that, OR who, are California residents OR PERSONS domiciled in California. In doing so,
21 IDENTIFY the goods AND services for which the individual accounts receivable are owed.

22 **INTERROGATORY NO. 7:**

23 IDENTIFY ALL instances in which YOU have been in California, including without
24 limitation, business, trips, OR recreational trips; living, residing OR domiciling in California;
25 AND flying OR driving to OR through California. In doing so, IDENTIFY the dates of ALL
26 occurrences AND the length of the stay in California.

27 **INTERROGATORY NO. 8:**

28 IDENTIFY ALL of YOUR current AND former personal OR real property currently OR

1 previously located in California.

2 **INTERROGATORY NO. 9:**

3 IDENTIFY ALL contracts AND agreements involving YOU in which California law
4 governs AND/OR in which the parties to the contract OR agreement agreed as to the jurisdiction
5 of California state courts AND/OR United States federal courts located in California.

6 **INTERROGATORY NO. 10:**

7 IDENTIFY occurrences when YOU AND/OR ANY PERSON on YOUR behalf,
8 including without limitation, Ehssan Dariani and Dennis Bemman, accessed the website,
9 www.facebook.com OR www.thefacebook.com, AND the purposes of each access, including
10 without limitation, ANY COMMUNICATIONS that RELATE TO ANY of the occurrences AND
11 IDENTIFY the USER OF FACEBOOK OR registrant accounts OR email addresses used to
12 access the facebook.com website.

13 **INTERROGATORY NO. 11:**

14 IDENTIFY ALL of YOUR licenses OR registrations regarding the ability to do business
15 in California.

16 **INTERROGATORY NO. 12:**

17 IDENTIFY the first date YOU knew OR believed that FACEBOOK, its servers, facilities,
18 offices, OR personnel were located in California.

19 **INTERROGATORY NO. 13:**

20 IDENTIFY the services provided through the www.studivz.net website, the
21 www.meinvz.net website, the www.studiqq.fr website, www.studiln.it website, the
22 www.estudiln.net website, the www.studentix.pl website AND the www.schuelervz.net website
23 to USERS OF STUDIVZ, including without limitation, how the services are provided.

24 **INTERROGATORY NO. 14:**

25 IDENTIFY ALL USERS OF FACEBOOK employed by OR formerly employed by YOU,
26 including including without limitation, any PERSONS who are OR were full-time or part-time
27 employees, independent contractor or agents of YOU, AND their respective email addresses.

28

1 **INTERROGATORY NO. 15:**

2 IDENTIFY ALL PERSONS responsible in any manner for the design, programming and
3 maintenance of the www.studivz.net website, including without limitation, the location of the
4 PERSON, job descriptions, authorities, dates in these positions, duties, AND responsibilities.

5 **INTERROGATORY NO. 16:**

6 IDENTIFY ALL PERSONS responsible in any manner for the design, programming and
7 maintenance of the www.meinvz.net website, the www.studiqq.fr website, www.studiln.it
8 website, the www.estudiln.net website, the www.studentix.pl website AND the
9 www.schuelervz.net website, including without limitation, the location of the PERSON, job
10 descriptions, authorities, dates in these positions, duties, AND responsibilities.

11 **INTERROGATORY NO. 17:**

12 IDENTIFY current AND former directors, officers, employees, AND agents of
13 STUDIVZ, including without limitation, dates in these positions, duties, job descriptions,
14 authorities, AND responsibilities.

15 **INTERROGATORY NO. 18:**

16 IDENTIFY ALL of YOUR advertising, promotions AND marketing activities directed, at
17 least in part, at California residents.

18 **INTERROGATORY NO. 19:**

19 IDENTIFY ALL of YOUR business relationships with, OR financial interests in,
20 businesses currently OR formerly incorporated, licensed, located, based, OR with facilities OR
21 offices located in California, including without limitation, the nature of each relationship, the
22 IDENTITY of each business, AND whether each business is incorporated, licensed, located,
23 based OR has facilities OR offices located in California.

24 **INTERROGATORY NO. 20:**

25 IDENTIFY ALL reasons why defending this lawsuit in California would burden YOU.

26 **INTERROGATORY NO. 21:**

27 IDENTIFY the ownership of STUDIVZ, including without limitation, PERSON'S names,
28 amounts they contributed OR invested, AND their percent ownership OR control (including

1 without limitation, Capital Contributions, Percent Interest, Equity Units, Non-Equity Units,
2 Voting Units) on a by-PERSON basis.

3 **INTERROGATORY NO. 22:**


4 IDENTIFY the location of YOUR offices, facilities, server/equipment locations.

5 **INTERROGATORY NO. 23:**

6 IDENTIFY ALL universities, colleges AND institutes of higher learning located in
7 California at which STUDIVZ provides OR provided services including without limitation,
8 access to the www.studivz.net website, the www.meinvz.net website, the www.studiqq.fr
9 website, www.studiln.it website, the www.estudiln.net website, the www.studentix.pl website
10 AND the www.schuelervz.net website, including without limitation University of California (all
11 campuses), California State University (all campuses), as well as the USERS OF STUDIVZ using
12 email domains (e.g., name@stanford.edu) from those universities, colleges, high schools, AND
13 institutes of higher learning.

14
15 Dated: October 14, 2008

ORRICK, HERRINGTON & SUTCLIFFE LLP

16
17 
18 WARRINGTON S. PARKER III
19 Attorneys for Plaintiff
20 FACEBOOK, INC.
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1 **PROOF OF SERVICE**

2 I am a resident of the State of California and over the age of eighteen years, and
3 not a party to the within action. On October 14, 2008, I served the within document(s):
4

5 **FACEBOOK, INC.'S FIRST SET OF SPECIAL INTERROGATORIES TO**
6 **DEFENDANT STUDIVZ LTD. RELATING TO PERSONAL JURISDICTION**

7 By placing the document(s) listed above in a sealed envelope with postage thereon
8 fully prepaid, in the United States mail at San Francisco, California addressed as set
9 forth below on October 14, 2008.

10 By transmitting via facsimile the document(s) listed above to the fax number(s) set
11 forth below before 5:00 p.m. on October 14, 2008.

12 By causing personal delivery by WESTERN MESSENGER of the document(s)
13 listed above to the person(s) at the address(es) set forth below.

14 By personally delivering the document(s) listed above to the person(s) at the
15 address(es) set forth below.

16 **X** By placing a true and correct copy of the document(s) in a Federal Express envelope
17 addressed as set forth below and then sealing the envelope, affixing a pre-paid
18 Federal Express air bill, and causing the envelope to be delivered to a Federal
19 Express agent for delivery.

20 **Stephen S. Smith**
21 **William Mielke Walker**
22 **GREENBERG GLUSKER FIELDS**
23 **CLAMAN & MACHTINGER LLP**
24 1900 Avenue of the Stars
25 Los Angeles, CA 90067
26 Tel: 310-553-3610
27 Fax: 310-553-0687
28 email: wwalker@greenbergglusker.com

Attorney for Defendants
STUDIVZ LTD., HOLTZBRINCK
NETWORKS GmbH, HOTZBRINCK
VENTURES GmbH

Executed on October 14, 2008, at San Francisco, California.

I declare under penalty of perjury under the laws of the United States that the
foregoing is true and correct.

Anne Devlin